

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED, #9590 9401 0007 5205 8727 99**  
**GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**

Talen's Marine & Fuel LLC  
CT Corporation System  
Registered Agent  
5615 Corporate Blvd., Suite 400 B  
Baton Rouge, Louisiana 70808

**Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;  
CERCLIS #: LAD008434185; General Notice Letter and Opportunity to Meet**

Dear Sir/Madam:

The purpose of this letter is to provide Talen's Marine & Fuel LLC (hereinafter Talen's Marine & Fuel LLC is referred to as "Talen's," "you" or "your"), with written notice of your potential liability at the SBA Shipyard Superfund Site ("Site") located in Jennings, Jefferson Davis Parish, Louisiana. Information available to the U.S. Environmental Protection Agency ("EPA") indicates Talen's is a generator at the Site. We should also note that EPA will continue to identify other potentially liable parties for this Site.

In 2014, the EPA initiated a Comprehensive Environmental Response, Liability, and Compensation Act ("CERCLA") emergency removal action and a removal action under the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA). The EPA has completed the CERCLA and OPA removal actions at the Site. The removal actions addressed only the imminent threat posed by a buried barge with high concentrations of waste sludges and liquids.

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Talen's has been identified as a generator of the Site. Enclosure A explains the General Notice and the basis for the EPA's determination that Talen's is a PRP and offers you the opportunity to meet with the EPA representatives to discuss your liability at the Site. Also included in this letter are: the evidentiary documents as Enclosure B; the Small Business Resource Fact Sheet as Enclosure C; the "Draft Administrative Order on Consent" with accompanying attachments (i.e., Site Map, Statement of Work and List of Respondents) as Enclosure D; and the parties receiving this letter as Enclosure E.

Please notify Mr. Kenneth Talton in **writing** at the address indicated in Enclosure A ***within seven (7) calendar days of the date of receipt of this letter*** to indicate your willingness to meet with EPA representatives to discuss your liability at the Site. We encourage you to give this matter your immediate attention and request. EPA plans to begin discussions with you during the week of January 11<sup>th</sup>. Please let us know if the timeframe works for you. If our discussions do not result in a timely settlement, then the EPA will evaluate enforcement options, including issuing special notice letters to all potentially liable parties known to the EPA at that time.

Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have any questions regarding the notice or any of the documentation included, please contact Mr. Talton at 214-665-7475. Questions concerning legal matters should be directed to EPA attorney Mr. Carlos Evans, at 214-665-8184. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

**Enclosures: (5)**

- A General Notice
- B Evidentiary Documents
- C Small Business Resource Fact Sheet
- D Draft Administrative Order on Consent (with Site Map, Statement of Work [SOW], and List of Respondents)
- E Parties Receiving General Notice letter

## **ENCLOSURE A**

### **SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA**

#### **GENERAL NOTICE**

This Notice is from the U.S. Environmental Protection Agency (EPA). This Notice is directed to you, the Potentially Responsible Party (PRP) of the SBA Shipyard Superfund Site. This Notice does five things:

1. This Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say “Site” or “property” in this Notice, we mean the SBA Shipyard Superfund Site located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of the Mermentau River. SBA is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S. The facility was used to construct, repair, and clean out barges and other marine vessel during the mid-1960’s to the early 2000’s. This Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
2. This Notice provides background information leading up to the EPA’s investigation of the Site and the EPA’s activities to determine the source of the contamination.
3. This Notice invites you to meet with EPA representatives to discuss your liability at the Site.
4. This Notice explains that the EPA will consider your ability to pay in determining an appropriate settlement amount.
5. The EPA is providing information regarding small business owners.

#### **NOTICE THAT YOU MAY BE LIABLE**

Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance), or persons who selected that facility and transported the hazardous substances to the facility. Section 107(a) of CERCLA states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting response actions at the SBA Shipyard Superfund Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements or paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

## **BACKGROUND**

The SBA Shipyard Superfund Site (Site) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is located in south Jennings, LA and bordered to the north by residents, south and west by wetlands, and to the east by the Mermentau River. Access to the property is restricted with fencing and locked gates.

SBA Shipyards, Inc., (SBA) was incorporated in the state of Louisiana on June 2, 1965, for the purpose of construction, repair, retrofitting, cleaning of barges and other marine vessels. SBA operated a vessel cleaning facility at the Site from 1965 to 2002 and a vessel construction and repair facility from 1965 to 1993. LEEVAC Shipyards, Inc., operated a construction and repair facility at the Site from 1993 to 2002. Both the vessel cleaning and vessel construction and repair facilities were primarily used to clean barges.

Barges serviced at the Site typically held diesel, coal tar, crude oil, gasoline and asphalt. Wastes from the barge cleaning operations were managed in a waste management area that included four unlined surface impoundments, a land treatment unit (LTU) and storage tanks. The wastes included petroleum hydrocarbons, numerous polycyclic aromatic hydrocarbons (PAHs), dioxins/furans, metals, and volatile organic compounds (VOCs). The hydrocarbons were separated from the water into surface impoundments that were known as the Oil Pit, Water Pit 1, Water Pit 2 and Water Pit 3. In some cases, water was recycled for barge cleaning operations.

In 1990, SBA attempted to bio-remediate Water Pit 1 and close the impoundment. In 1991, the bioremediation was determined to be unsuccessful. Land treatment of wastes continued through 1993.

On December 9, 2002, SSIC Remediation, L.L.C., (SSIC) entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., pursuant to Resource Conservation Recovery Act (RCRA) Section 3008(h) with EPA.

Approximately 33.8 million pounds of oils, waxes and sludges, pumpable oily material and oily tank heels, 70 tons of contaminated debris, and 88 tons of recyclable scrap steel were removed from the Site under the IM/RA.

As part of the IM/RA, the Oil Pit and wastes from the storage tanks were stabilized and solidified for off-site disposal. Approximately 750,000 gallons of uncontaminated pond water were pumped from the former Water Pits to the drainage ditch that drains to the Mermentau River. The emptied Water Pit was then used to receive treated storm water from the partially buried barge. Pumpable oil materials were removed and buried which was then used to store contaminated storm water prior to treatment and discharge to the emptied Water Pit.

In September 2012, the Louisiana Department of Environmental Quality (DEQ) referred the Site to EPA for potential response action. From 2012-2013, EPA conducted a Preliminary Assessment and confirmed the contamination of the site referenced above. On October 23 and 25, 2013, the United States Coast Guard responded to a release from an on-site buried barges.

As mentioned in the transmittal letter for this notice, EPA has completed the OPA removal action and the emergency removal action at the Site. The EPA has completed the CERCLA and OPA removal actions at the Site. The removal actions addressed only the imminent threat posed by a buried barge with high concentrations of waste sludges and liquids.

### **OPPORTUNITY TO MEET**

The EPA will provide you an opportunity to meet with EPA representatives to discuss your liability. If you wish to participate in such a meeting, please notify Mr. Talton.

### **ABILITY TO PAY SETTLEMENTS**

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue.

Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraphs above, please contact Mr. Talton, at 214-665-7475 for information on “Ability to Pay Settlements.” In response, you will receive a package of information about the potential for such settlements and an information request for your relevant financial information, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that you have a legitimate inability to pay the full amount of the response costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because EPA has a potential claim against you, if your financial status changes in any significant way, e.g., filing for bankruptcy, you must include EPA as a creditor. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

To assist you in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information as Enclosures to this letter:

1. Draft Administrative Order on Consent (Enclosure D)
2. Statement of Work (Enclosure D, Appendix B)
3. List of Parties Receiving Notice Letter (Enclosure E)

## **RESOURCES AND INFORMATION FOR SMALL BUSINESSES**

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.epa.gov/swerosps/bf/sblrbra.htm>

and review the EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at [www.epa.gov](http://www.epa.gov).

In addition, the EPA Small Business Ombudsman may be contacted at [www.epa.gov/sbo](http://www.epa.gov/sbo). Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure C).

## **YOUR RESPONSE TO EPA**

In addition to oral notification, please notify Mr. Talton in **writing** at the address indicated below ***within seven (7) calendar days of the date of receipt of this letter*** to indicate your willingness to meet with EPA representatives to discuss your liability at the Site. **If the EPA does not receive your written response within seven (7) calendar days, the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.**

Your response to this letter and questions regarding the matters in this letter should be directed to:

Mr. Kenneth Talton, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733  
[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)  
(214) 665-7475

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Mr. Carlos Evans, Attorney  
Office of Regional Counsel (6RC-S)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733  
[evans.carlos@epa.gov](mailto:evans.carlos@epa.gov)  
(214) 665-8184

The discussions of fact or law in this Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this Notice.

**ENCLOSURE B**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**EVIDENTIARY DOCUMENTATION**

**Invoices and/or Marine Chemist Certificates**

**ENCLOSURE C**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**SMALL BUSINESS RESOURCES FACT SHEET**

**ENCLOSURE D**

**SBA SHIPYARD SUPERFUND SITE  
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA  
GENERAL NOTICE LETTER**

**DRAFT ADMINISTRATIVE ORDER ON CONSENT (AOC)**

## **ENCLOSURE E**

### **SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA GENERAL NOTICE LETTER**

#### **PARTIES RECEIVING GENERAL NOTICE LETTER**

Ashland Oil, Inc.  
Ashland Petroleum Company  
Ashland Oil Company  
c/o Ashland Inc.  
Stephen L. Spalding  
Registered Agent  
3475 Blazer Pkwy.  
Lexington, Kentucky 40509

Ashland Petroleum Company  
Ashland Oil Company  
c/o Ashland Inc.  
Attn: Legal Department  
50 East Rivercenter Blvd.  
Covington, Kentucky 41012

Canal Barge Company, Inc.  
William Murphy  
Registered Agent  
835 Union St.  
New Orleans, Louisiana 70112

Canal Barge Company, Inc.  
1801 Engineers Road  
Belle Chasse, Louisiana 70037

Michael A. Chernekoff  
Partner  
Jones Walker LLP  
1001 Fannin Street, Suite 2450  
Houston, Texas 77002-6707

L&L Oil and Gas Services LLC  
c/o Martin Energy Services LLC  
CT Corporation System  
Registered Agent  
32 North Jackson St., Ste 605  
Montgomery, Alabama 36104

L&L Oil and Gas Services LLC  
c/o Martin Energy Services LLC  
Three Riverway, Suite 400  
Houston, Texas 77056

L&L Oil and Gas Services LLC  
c/o Martin Energy Services LLC  
Two Lakeway Center  
3850 N. Causeway Blvd, Ste 1330  
Metairie, Louisiana 70002

Michael A. Chernekoff  
Partner  
Jones Walker LLP  
1001 Fannin Street, Suite 2450  
Houston, Texas 77002-6707

Martin Gas Marine  
c/o Martin Operating Partnership L.P.  
Registered Agent  
CT Corporation System (c)  
1200 S. Pine Island Road  
Plantation, Florida 33324

Martin Gas Marine  
c/o Martin Operating Partnership L.P.  
4200 B Stone Road  
Kilgore, TX 75662

Martin Gas Marine  
c/o Martin Operating Partnership L.P.  
Chris Booth  
General Counsel  
4200 B Stone Road  
Kilgore, TX 75662

Michael A. Chernekoff  
Partner  
Jones Walker LLP  
1001 Fannin Street, Suite 2450  
Houston, Texas 77002-6707

Talen's Marine & Fuel LLC  
CT Corporation System  
Registered Agent  
5615 Corporate Blvd., Suite 400 B  
Baton Rouge, Louisiana 70808

Talen's Marine & Fuel LLC  
Attn: Legal Department  
1707 Evangeline Road  
Jennings, Louisiana 70546

Michael A. Chernekoff  
Partner  
Jones Walker LLP  
1001 Fannin Street, Suite 2450  
Houston, Texas 77002-6707

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